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In re Application of
CLOWES et al.

Application No.: 10/556,646

PCT No.: PCT/EP04/03992

Int. Filing Date: 09 April 2004

Priority Date: 13 May 2003

Attorney Docket No.: C4305(C)

For: Fabric Conditioning Compositions

DECISION

This is in response to the petition to withdraw the holding of abandonment filed on 11 December 2007.

BACKGROUND

This international application was filed on 09 April 2004, claimed an earliest priority date of 13 May 2003, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 25 November 2004. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 13 November 2005. On 10 November 2005, applicants filed *inter alia* the basic national fee.

On 01 February 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 07 December 2007, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants, indicating that this international application had become abandoned with respect to the national stage in the United States for failure to timely reply to the Notification of Missing Requirements mailed on 01 February 2007.

DISCUSSION

Petitioner states in part that the holding of abandonment "was made in error" in that a response "was timely filed on March 13, 2007." Petitioner refers to an enclosed copy of the response and a copy of a return postcard receipt which itemizes *inter alia* an "Executed Declaration" and is stamped as received by OIPE on "MAR 27 2007."

MPEP 503 states in part that

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Following the policy described at MPEP 503, the copy of the declaration document received on 11 December 2007 is being regarded as a copy of the declaration originally filed on 27 March 2007, and itemized on the postcard receipt. Review of the declaration reveals that it is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b). It is noted that the records of the USPTO show that the surcharge was paid on 27 March 2007. Therefore, the Notification of Abandonment mailed on 07 December 2007 is hereby VACATED.

CONCLUSION

The petition is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **27 March 2007**.



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